



Illinois Department of Commerce and Economic Opportunity

Rod R. Blagojevich
Governor

Jack Lavin
Director

PY'00 EO/WIA POLICY LETTER NO. 00-01

TO: Chief Elected Officials
Local Workforce Investment Board Chairs
WIA Fiscal Agents and Subrecipients
WIA State Agency Partners.
WIA Title I-B Administrators
One-Stop Operators
Other Interested Persons

SUBJECT: Methods of Administration - Element 1 - Designation of Local-Level Equal Opportunity Officer

DATE: June 20, 2001

I. PURPOSE:

In this element, the local-level should address how it and its subrecipients are complying and will continue to comply with the requirements of 37.23-37.28. This information is incorporated into the Illinois Department of Employment Security's MOA plan and is submitted to the U.S. Department of Labor, Civil Rights Center in Washington, D.C., thereby ensuring compliance with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

II. ISSUANCES AFFECTED:

a) References:

- 1) U.S. Department of Labor Regulations at 29 CFR Part 37 - Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998;
- 2) Workforce Investment Act of 1998 Sections 134(b), 136(d)(2)(F), 136(e), 172(a), 183(c), 185(c)(2), 185(d)(I)(E), 186, 187, and 188;
- 3) Title VI and VII of the Civil Rights Act of 1964, as amended
- 4) Section 504 of the Rehabilitation Act of 1973, as amended; Part B, C, Appendix A;
- 5) Age Discrimination Act of 1975, as amended;
- 6) Title IX of the Education Amendments of 1972, as amended;

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- 7) U.S. Department of Labor Regulations at 20 CFR 652;
- 8) U.S. Department of Labor Regulations at 29 CFR Part 31 and Part 32;
- 9) The Illinois Human Rights Act, as amended and its Rules and Regulations;
- 10) Nontraditional Employment for Women Act of 1991;
- 11) The Americans with Disabilities Act of 1990;
- 12) The Civil Rights Restoration Act of 1987;
- 13) Executive Order 12250;
- 14) Executive Order 11246, as amended;
- 15) U.S. Department of Labor Regulations at 29 CFR Part 1604, Guidelines on Discrimination because of Sex, Sexual Harassment;
- 16) Age Discrimination in Employment Act of 1967; as amended;
- 17) Equal Pay Act of 1963; as amended;
- 18) U.S. Department of Justice Regulations at 28 CFR Part 42, Subparts F & H.
- 19) Section 503 of the Rehabilitation Act of 1973, as amended; and,
- 20) Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended.

b) Rescissions:

None.

III. SUBJECT INDEX:

Equal Opportunity/Nondiscrimination

IV. BACKGROUND:

On August 7, 1998, the Workforce Investment Act of 1998 (WIA) was signed into law which supercedes JTPA. Section 188, of WIA contains the statute's equal opportunity and nondiscrimination provisions.

29 CFR Part 37, the federal regulations, dated November 12, 1999, implements the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 and require that each state establish and adhere to a Methods of Administration (MOA) for their state programs.

An MOA is a document, developed by the Department of Employment Security, that describes the actions an individual state will take to ensure that its WIA Title I-financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity of WIA and its implementing regulations.

The MOA is to be organized in the nine element requirements, with both a narrative and a documentation section for each element.

Element 1 of the MOA addresses how the local level designates an equal opportunity officer. The narrative portion of this element should describe the following information:

V. POLICY:

- a) The individual designated as the local level equal opportunity officer, by name, position title, business address (including e-mail address if applicable), and telephone number (including TDD/TTY number).
- b) Indicate the level within the organization in which the responsibilities in the position present no conflict of interest with other responsibilities assigned to the individual. There should be a clear line of authority and accountability for the program.
- c) Describe the duties and responsibilities of the equal opportunity officer and the manner in which those duties are carried out. These duties should also include other WIA related duties.
- d) Describe how the local workforce area makes the identity of the equal opportunity officer known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employments, as well as interested members of the public.
- e) Indicate the level of staff and other resources available to ensure that WIA Title 1 financially assisted programs and activities operate in a nondiscriminatory way.
- f) Indicate the identity, by name, title and organization, of the individual to whom the local level equal opportunity officer reports to on equal opportunity matters.
- g) Indicate a description of the professional and support staffing levels and resources provided the local level equal opportunity officer to assist in ensuring compliance with section 188 and part 37.
- h) Describe the type and level of training the local level equal opportunity officer has received and will receive.

The documentation of element 1 should include the following information:

- a) Examples of each document (e.g., notice, directive, memorandum, letter to community groups, flyer, and relevant pages of handbooks and manuals) that communicates, internally and externally, the local level equal opportunity officer's name and other required information to registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and interested member of the public.
- b) A copy of the local level equal opportunity officer's position description.

- c) A copy of the organizational chart indicating the location of the equal opportunity officer and that they report to the director of the local workforce area on equal opportunity matters, even though they may also be should in another part of the organization for their other duties in the WIA program.
- d) The identity of any staff who perform duties that support WIA equal opportunity activities (e.g., clerical, data analysis), including position descriptions, and average hours per week spent on equal opportunity activities.
- e) Equal opportunity budget and source of funds.

VI. ACTION REQUIRED:

This policy letter should be distributed to appropriate EO staff to prepare the narrative and documentation required under policy. This information is to be submitted, paper copy only-please no faxes, by close of business on Friday, July 13,2001 to the following address:

Tim Golemo (Revised 1-12-04)
State EO Officer for WIA
IL Department of Commerce & Economic Opportunity
Bureau of Workforce Development
620 East Adams Street, 5th Floor
Springfield, IL 62701

VII. INQUIRIES:

Tim Golemo (217) 558-2418, (217) 557-5506 (fax) or
timothy_golemo@commerce.state.il.us (Revised 1-12-04)

VIII. EFFECTIVE DATE:

Upon issuance

IX. EXPIRATION DATE:

Continuing